

From the INTERNATIONAL BUREAU

PCTNOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

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FRANCE

Date of mailing (day/month/year) 29 January 2004 (29.01.2004)		
Applicant's or agent's file reference 21.1087 WO		IMPORTANT NOTICE
International application No. PCT/EP2003/050263	International filing date (day/month/year) 25 June 2003 (25.06.2003)	
Priority date (day/month/year) 23 July 2002 (23.07.2002)		
Applicant SERVICES PETROLIERS SCHLUMBERGER et al		

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DE, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 29 January 2004 (29.01.2004) under No. WO 2004/010090

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits** (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a **demand for international preliminary examination**, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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PATENT COOPERATION TREATY

10/521975

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd 21 JAN 2005

PCT

To:

RAYBAUD, Helene
SCHLUMBERGER RIBOUD PRODUCT CENTER
International Property Law
Department
1, rue Becquerel, BP 202
F-92142 Clamart
FRANCE

WRITTEN OPINION

(PCT Rule 66)

20 Oct 04 (M)

Date of mailing
(day/month/year)

20.08.2004

Applicant's or agent's file reference
WO 21.1087

REPLY DUE

within 2 month(s)
from the above date of mailing

International application No.
PCT/EP 03/50263

International filing date (day/month/year)
25.06.2003

Priority date (day/month/year)
23.07.2002

International Patent Classification (IPC) or both national classification and IPC
G01F1/115

Applicant
SERVICES PETROLIERS SCHLUMBERGER et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23.11.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Feldhoff, R

Formalities officer (incl. extension of time limits)
Marnell, J
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-15 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1
Inventive step (IS)	Claims	2-17
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Comment

Items II and VI to VIII are not dealt with during the PCT II phase.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Prior Art Documents

The following document cited in the search report is referred to in this communication:

D1: US-A-4 086 811

Article 33(2) PCT

Document **D1** discloses the features of independent **claim 1** (see e. g. figure 2; col. 1, l. 39-45 and col. 2, l. 42-58). Therefore, the subject-matter of **claim 1** is not new (Art. 33(2) PCT).

Article 33(3) PCT

The subject-matter of independent **claim 14** differs from the disclosure of document **D1** (see e. g. figure 2 and col. 2, l. 42-58), which is regarded as the closest prior art with respect to **claim 14**, in that a method of assembling an impeller device as the one described in **claim 1** is claimed.

It appears, however, that the impeller assembling method of **claim 14** corresponds to a method a person skilled in the art would apply without making use of inventive ingenuity, in particular since the consequences and advantages of the consecutive method steps can be overlooked beforehand.

Independent **claim 14** thus does not involve an inventive step as required by Article 33(3) and Rule 65 PCT.

In view of the negative opinion vis-à-vis independent **claim 1**, also independent **claim 17** lacks an inventive step.

Article 33(3) PCT

Dependent **claims 2-13, 15 and 16** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of inventive step in the sense of Article 33(3) and Rule 65 PCT since said dependent claims seem to contain merely usual technical measures which an expert in the related technical field would apply without using inventive ability.

Final remarks

In order to enable an examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify any amendments carried out (e. g. in handwritten form on a copy of the relevant parts of the application as filed) and to indicate the passages of the application as filed on which these amendments are based (e. g. by the help of a concordance list); see also Rule 66.8 PCT.

Amendments filed without such indications will be considered as not complying with Article 34(2)b) PCT. Consequently no opinion will be given on them.

Since the subject-matter of independent **claim 1** is not novel and the dependent claims refer to three different embodiments (figures 1, 3 and 4) there is a risk of introducing lack of unity when amending the claims.